funds should not be diverted to paying damages. *Parks* v. *Northwestern University*, 218 Ill. 381. This has been repudiated in England. *Mersey Docks Trustees* v. *Gibbs*, L. R. 1 H. L. 93; *Gilbert* v. *Trinity House*, 17 Q. B. D. 795. And it is not logically tenable in those American jurisdictions which allow recovery where there has been negligence in selecting incompetent servants. See *Plant System Relief & Hospital Department* v. *Dickerson*, 118 Ga. 647. A second view, that in the case of charities none of the reasons of public policy underlying the rule of *respondeat superior* are applicable, is supported by reasoning which is not unassailable. *Hearns* v. *Waterbury Hospital*, 66 Conn. 98. A third theory, illustrated by the principal case, and now the established doctrine in New York, that a recipient of charity cannot invoke the rule because he has assumed the risk, but that an outsider may, is of comparatively recent growth. *Powers* v. *Massachusetts Homœopathic Hospital*, 101 Fed. 896; *ibid.*, 109 Fed. 294; *Bruce* v. *Central M. E. Church*, 147 Mich. 230; *Wallace* v. *Casey Co.*, 132 N. Y. App. Div. 35. The reasons against such a theory seem as strong as those against the fellow-servant doctrine. Moreover it establishes as a presumption of law what is at best a doubtful question of fact.

AGENCY — UNDISCLOSED PRINCIPAL'S RIGHTS AND LIABILITIES WITH RESPECT TO THIRD PERSONS — VIOLATION OF INSTRUCTIONS. — The plaintiff sold whisky to the manager of the defendants' hotel, dealing with the manager as owner. The defendants had instructed the manager to buy whisky from another firm exclusively. On discovering that the defendants were the real principals, suit was brought against them for the price of the whisky. *Held*, that the plaintiffs can recover. *Kinahan & Co., Ltd.* v. *Parry*, [1910] 2 K. B. 389.

For a discussion of the principles involved, see 23 HARV. L REV. 599.

CARRIERS — BAGGAGE — EXCLUSION FROM STREET CAR FOR CARRYING ARTICLE NOT INTENDED FOR PERSONAL USE. — The plaintiff attempted to board the defendant's car while carrying five cents' worth of ice, which he was taking to a sick man. There was a regulation excluding "bulky and dangerous articles" from the cars, but the jury found that the ice was carefully wrapped and not leaking. The plaintiff was, however, excluded, for which this action was brought. *Held*, that the court cannot say as a matter of law that the ice was not personal baggage. *McIntosh* v. *Augusta & Aiken R. Co.*, 69 S. E. 159 (S. C.).

Articles carried by a passenger for the use of another person are not baggage. *Metz* v. *California Southern R. Co.*, 85 Cal. 329. And this is a question of law. *Connolly* v. *Warren*, 106 Mass. 146. The case thus seems wrong on the ground of its decision. If, however, a company does by usage permit passengers to carry small packages of merchandise, a man may not be excluded for so doing. *Runyan* v. *Central R. Co. of New Jersey*, 65 N. J. L. 228. And it would seem that, in the case of street cars, a court might well judicially recognize the existence of such a usage, so general as to have become a part of the carrier's undertaking, in the absence of an express regulation to the contrary.

CARRIERS — DUTY TO ACCEPT AND CARRY PASSENGERS — RIGHT TO COMPEL CAR TO RETURN TO DESIGNATED STOPPING PLACE. — The plaintiff signalled the defendant's car at one of its regular stops, but the car ran by seventy-five yards, and the motorman refused to bring it back to the stop. The plaintiff refused to walk to the car, though allowed time to do so, and brought this action for the damages suffered by being left behind. *Held*, that he may recover. *Christian* v. *Augusta & Aiken R. Co.*, 69 S. E. 17 (S. C.).

It has been held that a regulation of an electric railway company not to return to take up a passenger may, under circumstances stronger indeed than those in the principal case, be unreasonable. *Jackson Electric Railway, Light,*